UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,849	10/07/2003	Annette Beaulieu	FR920020070US1	5822

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EXAMINER
ANWARI, MACEEH

ART UNIT	PAPER NUMBER
2444	

NOTIFICATION DATE	DELIVERY MODE
12/26/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-7* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All   b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to communications file on 10/17/2008. **Claim(s) 1** has

been amended. **Claim(s) 8-9**. No other claims have been amended, added, or

canceled. Accordingly, **claim(s) 1- 7** are pending.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/17/2008 has been entered.

Response to Arguments

3.   Applicant's arguments filed 10/17/2008 have been fully considered but they are

not persuasive. In substance the applicant argues that neither **Skemer** nor **Kalavade**

fails to disclose: 1) the sending of a RADIUS stop accounting request to the RADIUS

server for all sessions established by the at least one non-responding NAS; 2) the

polling of a different NAS.

4.   In response to 1) the examiner respectfully disagrees. Applicant employs broad

language, and admits that **kalavade** discusses the sending of Accounting requests to

the RADIUS server at the beginning and end of each session **(Kalavade par. 221)**.

Furthermore the examiner will like to point out that **Skemer** discloses the use of

RADIUS servers along with the implementation of Authentication, Authorization and

Accounting (AAA servers) and the incorporation of RFC 2139 **(Figure(s) 2 and par. 56)**.

From this we know that NAS servers do in fact send both START and STOP records

(i.e. requests) to the RADIUS servers for all sessions established by the NAS.

Therefore, **Skemer-Kalavade** in combination read on this limitation.

5.   In response to 2) the examiner respectfully disagrees. Once again the applicant

employs broad language and admits that **Skemer** discloses periodically polling the IAD

SNMP agent to upload the accumulated statistics **(Skemer par. 56)**. The examiner will

like to bring to the applicant's attention that **Skemer** discloses the use of multiple vendor

access servers (i.e. as potentially different Network Access Server) and further

discloses the use of Remote Access Servers (i.e. as other potentially different Network

Access Servers). Since we have already established (above) that **Skemer** discloses

the use of RADIUS servers along with the implementation of Authentication,

Authorization and Accounting (AAA servers) and the incorporation of RFC 2139

(Figure(s) 2 and par. 56). Therefore, **Skemer** discloses the polling of different NAS for

the same purposes of polling the initial NAS. Furthermore, the examiner will like to

point the applicant's attention to the 112 rejection below regarding this point of

contention.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   **Claims 1- 7** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The applicant mentions "...sessions established by

at least one NAS in an IP network..." early within independent claim 1, then further on

within the text of the instant claim mentions the polling of a different NAS. The

statements seem to be contradictory (and essentially indefinite and unclear) in that the

given IP network can be made up of 1 NAS and therefore there will not be another

(different) NAS for polling.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating
>   obviousness or nonobviousness.

10.   **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Skemer U.S. Publication No.: 2001/0044893 A1, and further in view of **Kalavade et al.**

(hereinafter **Kalavade**) U.S. Publication No.: 2003/0051041 A1.

Regarding **claim 1**, **Skemer** discloses a method executed by a NAS

communication loss detector agent on a computing system, providing robustness

to an accounting function of user sessions established by at least one NAS in an

IP network (Figure 3-4 and Abstract; reads on this limitation by talking about

network access servers), the accounting function being performed on a RADIUS

server storing an ID, IP address and secret code for each of the at least one NAS

and information identifying each established session (Figure 5-6 and Abstract &

Par. 25 & 46; reads on this limitation by making mention of RADIUS servers and

authentication), said method comprising the steps of: identifying for the RADIUS

server, the NAS communication loss detector agent as a RADIUS client of the

RADIUS server (Figure 5-6 and Abstract & Par. 25 & 38; reads on this limitation

by making mention of RADIUS servers and authentication), repeatedly polling

from the NAS communication loss detector agent the at least one NAS and

(Figure 3-4 and Abstract & Par. 56; reads on this limitation by making mention of

periodic polls), if no answer is received from at least one non-responding NAS

after a predetermined period of time and a predetermined number of repeated

pollings, sending from the NAS communication loss detector agent a RADIUS

stop accounting request to the RADIUS server for all sessions established by the

at least one non-responding NAS.

Skemer, does not appear to explicitly disclose if no answer is received

from at least one non-responding NAS after a predetermined period of time and a

predetermined number of repeated pollings, sending from the NAS

communication loss detector agent a RADIUS stop accounting request to the

RADIUS server for all sessions established by the at least one non-responding

NAS.

However the use of an agent sending an accounting request to the

RADIUS server determining the end of a user's session, is well known in the art

as is apparent by **Kalavade** (Par. 221- 222 and 414).

Accordingly, it would have been obvious for one of ordinary skill in the art

to incorporate the teachings of **Skemer**, with that of **Kalavade** to allow for a more

efficient and accurate means of determining accounting information.

Regarding **claim 2**, **Skemer-Kalavade** further discloses wherein the

identifying step comprises the step of storing the ID, the IP address and the

secret code of the NAS communication loss detector agent ((Figure 5-6 and

Abstract & Par. 25; reads on this limitation by making mention of RADIUS

servers and authentication).

Regarding **claim 3**, **Skemer-Kalavade** further discloses wherein the

polling step comprises the step of waiting for an expiration of a timer which is a

first parameter defined during an installation of the NAS communication loss

detector agent (Figure 1-6 and Abstract & Par. 38 & 42; reads on this limitation

by making mention of time sessions).

Regarding **claim 4**, **Skemer-Kalavade** further discloses wherein the

polling step is repeated n times, n being an integer defined at an installation of

the NAS communication loss detector agent (Figure 3-4 and Abstract & Par. 56;

reads on this limitation by making mention of periodic polls).

Regarding **claim 5**, **Skemer-Kalavade** further discloses wherein the

polling step and the sending step further comprise a step of reading a table

owned by the RADIUS server containing one entry per established session and,

for each entry, information to identify the NAS and prepare parameters for the

RADIUS stop accounting request (Figure 3-6 and Abstract & Par. 56 & 38 &42;

reads on this limitation by making mention of periodic polls, authentication, timed

sessions and storing of information).

Regarding **claim 6**, **Skemer-Kalavade** further discloses wherein the

sending step comprises a preliminary step, after reading the established session

table, of, including as parameters of the RADIUS stop accounting request:

accounting status, accounting session time, a NAS identifier; a session identifier

and an authenticator (Figure 3-6 and Abstract & Par. 56 & 38 &42; reads on this

limitation by making mention of periodic polls, authentication, timed sessions and

storing of information).

Regarding **claim 7**, **Skemer-Kalavade** further discloses the steps of:

computing the accounting session time by subtracting the session start time read

in the established session table from a current computing system timestamp

(Figure 5-6 and Par. 38 &42 & 50; reads on this limitation by reciting timed

sessions, and time stamping); and, computing the authenticator as a function of

the secret code read with the ID and the IP address stored for the corresponding

NAS (Figure 5-6 and Abstract & Par. 25 & 38; reads on this limitation by making mention of RADIUS servers and authentication).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444